

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN DOE 52,

Plaintiff,

vs.

Civil Action No. 14CV387

MAYO CLINIC HEALTH SYSTEM . EAU CLAIRE CLINIC,
INC., DAVID A. VAN DE LOO, PROASSURANCE
CASUALTY COMPANY F/D/B/A PHYSICIANS
INSURANCE COMPANY OF WISCONSIN and INJURED
PATIENTS AND FAMILIES COMPENSATION FUND,

Defendants

**NOTICE OF MOTION AND MOTION TO DISMISS ALL CLAIMS AGAINST INJURED
PATIENTS AND FAMILIES COMPENSATION FUND PURSUANT TO FED. R. CIV. P.
12(b)(6)**

Injured Patients and Families Compensation Fund (the Fund) hereby moves for the dismissal of all claims against it for failure to state a claim upon which relief may be granted under Fed. R. Civ. P. 12 (b)(6) on two separate bases. First, the statute of limitations bars the plaintiff's claims. Second, Wis. Stat. 655.27(1) provides that a lawsuit alleging intentional criminal conduct and medical negligence together does not state a claim against the Fund. This motion is supported by the memorandum filed along with this motion document.

Dated this 7th day of July, 2014.

s/Jeremy T. Gill

By: JEREMY T. GILL, State Bar No. 1034152
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